

ORDINANCE NUMBER 849-2016

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING SUBSECTION (a), PERMITTED USES, OF SECTION 18-55, GENERAL COMMERCIAL "GC" DISTRICT, OF ARTICLE IV, ZONING DISTRICTS, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS, TO DELETE SUBSECTION (21), HOTELS, MOTELS, ROOMING AND BOARDING HOUSES, AND OTHER LODGING PLACES, AND TO RENUMBER THE REMAINING SUBSECTIONS ACCORDINGLY; REVISING SECTION 18-58, USES REQUIRING SPECIFIC USE PERMIT, OF ARTICLE V, SPECIFIC USES, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO INCLUDE "HOTELS, MOTELS, ROOMING AND BOARDING HOUSES, AND OTHER LODGING PLACES" IN GENERAL COMMERCIAL (GC) ZONING DISTRICT AS ONE OF THE USES THAT MUST OBTAIN A SPECIFIC USE PERMIT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of the City of Dickinson to regulate various aspects of hotels, motels, rooming and boarding houses, and other lodging places in General Commercial (GC) zoning districts; and

WHEREAS, the City Council is of the opinion and finds that the regulations contained in this Ordinance are in the best interest of the health, safety, and welfare of the Citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Subsection (a), Permitted Uses, of Section 18-55, General Commercial "GC" District, of Article V, Zoning Districts, of Chapter 18, Zoning, of the Code of Ordinance of the City of Dickinson, Texas, is hereby revised to delete Subsection (21), Hotels, Motels, Rooming and Boarding Houses, and Other Lodging Places, and to renumber the remaining subsections accordingly.

Section 3. Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas, is hereby revised to read as follows:

"Sec. 18-58. Uses requiring specific use permit.

In addition to the certificates of zoning compliance called for in this chapter, a specific use permit shall be required before the following specific uses can be permitted within the district specified:

<i>Use</i>	<i>Permitted Districts</i>
Airport, landing field, or landing strip for aircraft, including helipads and landing areas for other types of aircraft	All Districts
Appliance and home furnishing stores (without storage)	NC
Automotive sales, new or used, leasing, service and repair shops, including auto bodywork shops	GC
Bars	NC, GC
Bed and breakfasts	RR, CR
Boat/RV storage, sales, leasing and service establishments	GC, GI
Car, Truck and RV washing facilities	GC
Cement/concrete plant	GI
Child day care centers	NC
Churches	All Districts
Circus or carnival grounds, but not within three hundred (300') of any residential district or use	NC, GC, GI
Community Center	DOS
Correctional institutions or facilities (public or private)	GC, GI
Dance Halls	NC, GC
Flea market	GC
Gamerooms	GC
General Merchandise Stores, including Department and Variety Stores, but not greater than 10,000 square feet in gross building floor area	NC
Golf courses	RR, CR, SR, HR, MH
Group day care homes	RR, CR
Group homes, as defined in Article II, Definitions	RR, CR, SR, HR, MH
Hotels, motels, rooming and boarding houses, and other lodging places	GC
Livestock facilities and operations	RR, GI
Mini-warehouses	GC, GI
Nightclubs	NC, GC
Nonprofit recreational facilities (other than private recreational facilities permitted by use in RR, CR, SR, HR, and MH)	RR, CR, SR, HR, MH
Parking lots	DOS

Radio, television, telephone or communication broadcast tower or station of any type, subject to Chapter 16.5, Telecommunication Towers, of the Dickinson Code of Ordinances	RR, GC, GI
Restaurants that serve alcohol	NC
Recreational vehicle parks	GC
Registered family homes	CR
Salvage yards, junk yards, vehicle storage facilities or similar operations	GI
Schools, public or private	All Districts
Sexually oriented businesses	GC
Slaughterhouses, rendering operations, or other similar operations	GI
Special Event Center on five (5) or more acres	RR, CR
Swimming pool	DOS
Tobacco Oriented Uses	GC
Vacation Rentals	RR, CR

Section 3. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 4. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of

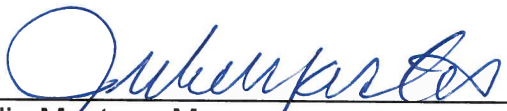
the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. This Ordinance shall become effective upon final reading and adoption of this Ordinance, in accordance with law.

DULY PASSED AND APPROVED on first reading this 28th day of June, 2016.

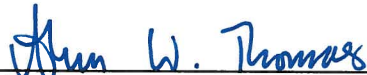
DULY PASSED, AND APPROVED on second reading this 12th day of July, 2016.
(Third Reading Suspended)

DULY PASSED, APPROVED, AND ADOPTED on third and final reading this ____ day of _____, 2016.

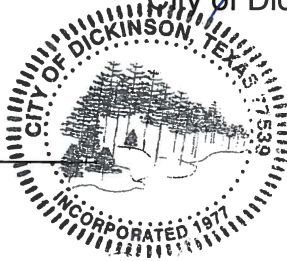


Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:



Alun W. Thomas, City Secretary
City of Dickinson, Texas



APPROVED AS TO FORM AND CONTENT:



David W. Olson, City Attorney
City of Dickinson, Texas